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Q To the best of your ability, this is the contact information for these two gentlemen?

A Yes.

Q You had that information in 2006, right?

A Yes.

Q So you would have had it after 2006, also, correct?

A That would be hard to say.

This could have been in storage. When I had to get out of my apartment, it was in storage, and I did not have access.

Q Are there documents that remain in storage that may pertain to anything relating to this case, meaning your employment with Plus One or anything else you discussed in your complaint?

A There could be. I have not gone through.

I just got into town a few days ago. I have not been able to go all through myself.

Q Were you aware documents were requested of you in January 2008?

challenging.

Q When did you make that search for your tax returns?

A I don't know specific dates offhand.

Q Give me the best approximation you can.

A I can't even do that.

Q Where were you living at the time?

A September 6?

Q No, when you were looking for your tax returns.

Where were you living at the time you were looking for your tax returns?

A Well, I would be able to let you know, if I knew when I was searching for the tax information.

Q So where you were living is not going to help you?

A Yes.

Q Did you look for your tax returns before the complaint was filed?

A Before I filed the E.E.O.C. charge?

Q Sure, yes.

40

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A Specifically, what documents?

Q Any documents?

A 2008 of this year?

Q Yes, ma'am.

A I don't believe there is a request for anything.

I mean, I would have to look at my e-mail account. I really have to check my e-mail account.

Q At any time since you filed this complaint, did you make a search for documents that might have any bearing on the allegations you made in that complaint?

A Did I make a search for documents?

Q Yes, ma'am.

A I am trying to think.

Like what documents would I be searching for?

Q Any documents.

A Yes, taxes. I know taxes, definitely.

Like my tax returns, I don't keep them for the last seven years, so I had to search for tax information, which was kind of

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A No.

Q Do you know when you filed your complaint in federal court?

A No, I don't.

Q Are you aware that you filed three different ones?

A No.

MS. NORCROSS: Mark this as Defendant's Exhibit 8.

(Whereupon the above referred to document was marked, Defendant's Exhibit 8, for identification, as of this date, by the reporter)

Q Miss Mann, let me hand you what Sandy has marked as Defendant's Exhibit 8. Take as much time as you need to look it over, because when you finish reviewing it, I am going to ask you if you can identify it, okay?

A Okay.

Q Have you ever seen this before?

A Yes, I have.

Q When did you see it for the first time, if you remember? You can approximate.

A Looking at the date, it must have

1 98  
2 Q Between the 5th and today, did you  
3 meet with your attorneys?

4 Don't tell me substance. Just tell  
5 me yes or no.

6 A Yes.

7 Q When?

8 A Saturday, August 9.

9 Q And for how long did you meet with  
10 your attorneys on Saturday, August 9?

11 A I know it was about at least a half  
12 hour.

13 Q Was it more than an hour?

14 A I was not checking my watch. I don't  
15 know whether I was in there for an hour.

16 Q Was it more than two hours?

17 A No.

18 Q To prepare for your deposition, did  
19 you review any documents?

20 A What I did, I looked at -- not with  
21 my lawyer, on my own, I looked at some of my own  
22 paperwork by myself. I wanted to make sure I  
23 was accurate with giving my answers, and  
24 familiar, because this has been going on for  
25 quite some time.

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2 Q What papers did you look at?

3 A The E.E.O.C. charge.

4 Q Anything else?

5 A No.

6 I think the charge had the affidavit  
7 explaining the whole scenario from April 5 to  
8 June.

9 Q The E.E.O.C. charge with the attached  
10 statement?

11 A Yes.

12 Q Is there anything else that you  
13 reviewed besides that?

14 A Actually, I was jogging my memory to  
15 make sure I had an account basis of what  
16 happened with Jamie, just the verbal exchange  
17 and what happened, the discrimination that took  
18 place. I wanted to look at my statement, just  
19 to look at it again.

20 Q In addition to that, did you review  
21 any other documents?

22 A I don't think so.

23 I can't think of any other. I don't  
24 remember if I did.

25 Q When you met with your attorneys to

1 100  
2 prepare for your deposition, did you look at any  
3 documents?

4 MR. UMOH: Objection.

5 A It was verbal.

6 Q I am not permitted, and I am not  
7 trying to go into content of the discussion you  
8 had with your lawyers.

9 A I just remember us talking.

10 Q Please tell me in chronological  
11 order, to the best you can, where, if anywhere,  
12 you have been employed since June 16, 2006.

13 A Since 2006?

14 Q Yes, ma'am.

15 A I have been employed at P.I.C.

16 Resort. I have been employed at --

17 well, I have a question. Independent  
18 contractor, or just an employee?

19 Q We will split them up.

20 As an employee, first.

21 A P.I.C. Resort, Holiday Temp  
22 Services.

23 I remember receiving unemployment,  
24 but I would have to look at my tax return to  
25 know all the other employers, because I

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1 definitely got a W-2, so I have to look at my  
2 taxes.

3 I know definitely Holiday Temp  
4 Services, P.I.C.

5 In terms of employee, I don't  
6 remember what else, but it's on my taxes.  
7 Definitely employers, I can remember those, too.

8 Q Do you have your tax returns for  
9 2006, 2007 -- 2006 and 2007?

10 A I definitely filed them.

11 I am still trying to get my  
12 accountant to give me a copy of 2006.

13 Q Who is your accountant?

14 A Steven Laufer.

15 Q Where is Mr. Laufer located?

16 A It's either Englewood or Hackensack,  
17 New Jersey.

18 Q When you tried to get these documents  
19 from Mr. Laufer, how have you done that?

20 A E-mail, and left phone messages.

21 MS. NORCROSS: Counsel, those  
22 are also things that that should have  
23 been produced.

24 Q I am going to ask you to search for  
25

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those and provide them to us.

MR. UMOH: Take it under advisement.

Q When was the last time you tried to contact Mr. Lauler to get your tax returns?

A It had to be during my employment while I was in Guam.

I know I did not file my taxes for 2007 and 2006 until recently. I believe it was even after April 15 of this year. It could have been late spring, early summer.

But I know I reached out to him. I sent him a couple of e-mails.

He never responded in sending all my tax returns. I never got 2006.

Q Did you get 2007?

A I know I got part of it. I have to check my e-mail again.

He was busy, or whatever.

Maybe he was waiting for a payment.

Q Was he waiting for a payment?

A No, because I had paid him in advance.

I submitted it close to -- I don't

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A Now I remember.

What it was, I got an assignment at a company in Brooklyn, but then they had layoffs. They laid me off right after Christmas. So that's why I contacted Holiday Temp Services, to get another job.

Q I am sorry.

Who laid you off around Christmas?

A Novel Box Company.

Q Were you employed by Novel Box Company, or were you working for them as an independent contractor?

A I am trying to remember if they took taxes out or not. I am not sure about that, but my taxes would have that information.

I don't know if I signed a W-4 form or not, but it should be reflected in my taxes.

I am sorry. I keep being repetitive.

Q When did you work for Novel Box?

A It was around Christmastime.

Q Christmas of what year?

A End of 2007 to the beginning of 2008.

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remember when I was able to give him all of the information about my taxes, but I do know that when I submitted all the information to him, he said, Well, you will have to wait, because it's crunch time. He has a lot. Don't worry.

He filed an extension for me.

Q Where did you do work as an independent contractor since June of 2006?

A I know definitely, Linblad Expeditions.

Q Anywhere else?

A I know that sticks out, because I got paid something substantial in that job. I mean, I know I could have temped, but I don't know if I -- I don't recall actually getting a temp assignment.

Again, it's on my taxes.

Q What work, if any, did you do for Holiday Temp Services?

A They sent me out on a customer service job.

Q Just one job?

A Yes.

Q Is there any reason why --

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Q How long did you work for them?

A It could not have been more than a few months, even if it was that.

Q Was it full time or part time?

A It was full time.

Q How many hours a week?

A I think it paid by the hour. It was a project that I was working on.

Q So how did you get paid?

A By check.

Q Did you get paid a set fee for a project?

A I am trying to think if I was billing them hours over that.

I know it was not a set thing every week, because sometimes they would close the office.

Q I don't understand. And we don't have any documents about this.

Let me try to figure this out.

A Okay.

Q You worked for Novel Box the end of 2007 to early 2008?

A Yes.

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1 Q What did you do for them?

2 A They took me on as a graphic

3 designer.

4 Q And what did you do for them as a

5 graphic designer?

6 A I was editing their jewelry

7 catalogue.

8 Q Were you editing text or graphics?

9 A Both.

10 Q And what was your compensation

11 arrangement with them?

12 A I got paid weekly.

13 Q Did you get paid a set amount weekly,

14 or did it vary?

15 A It varied.

16 Q And what did it vary on?

17 A Whether the office was open or not.

18 Q Did you ever do work at home, or did

19 you do it all at the office?

20 A I worked at home, but I did not get

21 paid for working at home. I did it because I

22 wanted to --

23 Q So if the office was closed, is it

24 accurate you would not get paid, even if you

25

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1 worked at home while the office was closed; is

2 that correct?

3 A Yes, correct.

4 Q What kind of company is Novel Box?

5 A They probably moved to Jersey by now.

6 That was part of the reason they laid me off.

7 It's a -- you know, when you go to a

8 jewelry store, they are the ones that

9 manufacture the jewelry boxes. They manufacture

10 some in there warehouse and they actually buy

11 from manufacturers in China. They do a little

12 bit of both.

13 Q Do they buy the boxes and then put

14 designs on them?

15 A They do that, as well.

16 MS. NORCROSS: I have to take

17 a five-minute break.

18 (Discussion off the record)

19 MS. NORCROSS: Mark this as

20 Defendant's Exhibit 15.

21 (Whereupon the above referred

22 to document was marked, Defendant's

23 Exhibit 15, for identification, as of

24 this date, by the reporter)

25

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1 Q Miss Mann, please look at what the

2 reporter has marked as Exhibit 15. And just let

3 me know when you are finished reviewing it,

4 please?

5 A Okay.

6 Q Have you ever seen that document

7 before?

8 A I don't recall, but I know the

9 information, I have.

10 Q Just so I am clear, I am not asking

11 about the information. I want to know if you

12 have seen that document before.

13 A I don't recall.

14 Q Is there anything that would help you

15 remember?

16 A I can't think of anything at this

17 point that would help me remember.

18 Q You mentioned your e-mails several

19 times. Would your e-mails help you remember?

20 A Looking through some of the

21 information, I know that I have e-mailed some of

22 this information to my lawyer, yes.

23 Q My question is, are there e-mails

24 that would help you remember whether you have

25

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1 seen this document before?

2 A Not that I can recall, not

3 specifically. Not a specific e-mail, but I know

4 I had e-mailed this information to --

5 Q Again, I am not talking about the

6 information; I am talking about the document.

7 A There is no one specific e-mail that

8 could make me pinpoint this document.

9 Q Where were you physically located by

10 city, state, country, whatever, on June 16,

11 2008?

12 A I was in Guam.

13 Q If you had received this document on

14 or about June 16, would that have been -- would

15 that be reflected in an e-mail you got?

16 A There are a bunch of e-mails. I

17 don't know.

18 Q Look, we have limited time. So what

19 I am trying to do, I am asking you to try to

20 answer the questions I am asking.

21 My question is, if you had seen this

22 document before, would it have been e-mailed to

23 you, do you think?

24 A Possibly. I have to check my

25



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MR. UMOH: We showed up at 1:00, and we were sitting downstairs for a half hour.

MS. NORCROSS: I came in at 1:00, and there was no one there.

MR. UMOH: Off the record.

(Discussion off the record)

MR. UMOH: This is Plaintiff's counsel. And we are in the middle of the deposition, and we would like the judge to resolve it, if possible.

THE LAW CLERK: The judge is not available now.

MR. UMOH: The judge allocated 10 hours for the deposition today and an unspecified amount tomorrow.

MS. NORCROSS: We have the judge's order. It has to do with the hour allocation, is the best I understand this.

The judge ordered 10 hours of deposition time today and then additional time tomorrow morning, depending upon when Miss Mann needs

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Plaintiff has been produced so far for seven hours of deposition.

We feel the deposition with Plus One is concluded.

MS. NORCROSS: We have the court reporter here. The actual deposition time has been something just under six hours, but call it six.

My intent at this point is to finish up one line and then let Mr. Derschowitz start. We are going to be going until whenever.

THE LAW CLERK: The judge is on the bench.

I can't give you a ruling on this. I am only the law clerk, and not the appointed judge.

But my reading of the letter is that the plaintiff is to be questioned for 10 hours, and I am sure the judge would say that does not include a lunch brake.

So we can call you back when

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to leave for her flight to Singapore.

And we resolved earlier this morning, she needs to leave about 12:30, which is fine.

The issue that has arisen is Plaintiff's counsel believes that -- he is concerned about the allocation of deposition time between me, as counsel for two of the Defendants, and Harold, as counsel for the other two.

I have taken six hours of deposition. We have been here for approximately seven. There was a one-hour lunch break.

What Mr. Umoh is suggesting is that the one-hour lunch brake counts towards my seven hours, which I have explained to him is contrary even to the comments in the federal rule book.

THE LAW CLERK: Mr. Umoh, is that correct?

MR. UMOH: That is correct.

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she is off the bench.

MR. UMOH: One defendant may depose her for 10 hours?

THE LAW CLERK: My reading of the letter, the letter said plaintiff may be questioned for 10 hours on August 12.

MS. NORCROSS: The only thing we don't seem able to agree on, we are in the Lester Schwab offices.

THE LAW CLERK: If I were you guys, I would try to resolve this before the judge calls you back.

But give me a call back in a few minutes if you would like to speak to the judge.

MS. NORCROSS: Thank you. Off the record.

(Discussion off the record)

MS. NORCROSS: There is an Exhibit that was just marked as 22 that should be marked as 23.

Mark this as Defendant's Exhibit 24.

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1 doctor or social worker, psychiatrist, or  
2 something else?

3 A If I can recall correctly, she was a  
4 licensed clinical social worker.

5 Q Were you referred to her by  
6 anybody?

7 A No. I looked her up in the health  
8 insurance company website.

9 Q Where was her office?

10 A I saw her on 11th Street. It was a  
11 street in the Village.

12 Q In Manhattan?

13 A Yes, in Manhattan.

14 Q When you first saw her, what were  
15 your complaints?

16 A My complaints, just the emotional  
17 distress I was going through, based on my  
18 discrimination at Plus One.

19 Q When was the first time you saw  
20 her?

21 A From what I recall, late April. But  
22 it should be reflected in the health insurance  
23 records.

24 Q I have no records. I have to go by  
25

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1 what you say, at this point.

2 A Sure. From what I can recall, it  
3 must have been late April, maybe the third  
4 week.

5 Q Was it after the incidents you  
6 described earlier with Mr. MacDonald taking  
7 place?

8 A Yes.

9 Q What, exactly, did you tell her was  
10 bothering you? What were your symptoms or your  
11 complaints?

12 A Well, obviously it was very apparent  
13 I showed a lot of anger. I was depressed,  
14 frustrated. I felt powerless and just basically  
15 ill at ease.

16 I had problems sleeping. I was very  
17 anxiety ridden. I was very jumpy, especially  
18 because I felt my job was on the line, getting  
19 fired.

20 Yes, I was definitely not in the best  
21 of shape.

22 And I had digestive issues, too, just  
23 a lot of stomach cramps. And then I was getting  
24 headaches.  
25

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1 Q Had you ever felt these symptoms at  
2 any time prior to your first visit to Miss  
3 Buck?

4 A You mean -- well, I have experienced  
5 those emotions throughout my lifetime.

6 Q When was the most recent?

7 Well, did you ever receive treatment  
8 for these symptoms?

9 A Yes. That's why I was going to Miss  
10 Buck and Marlene.

11 And I was confiding a lot in my  
12 pastor at the time.

13 Q You told me the first time you saw  
14 anyone about your situation at work was in late  
15 April, when you saw Miss Buck, correct?

16 A Yes.

17 Q You just gave me a list of physical  
18 complaints you mentioned to Miss Buck on your  
19 first visit.

20 Had you ever been treated for those  
21 symptoms or complaints before that?

22 A By a medical doctor?

23 Q By anybody.

24 A Yes, I have had headaches before,  
25

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1 where I have taken Tylenol, throughout my  
2 lifetime.

3 Maybe in my early twenties, I went to  
4 the doctor and said, I have a stomachache, but I  
5 have never taken any medication. I always try  
6 to go the natural route.

7 Q Is it fair to say you have not seen  
8 any medical providers or hospitals or doctors  
9 for any of the complaints made to Miss Buck at  
10 the end of April '06?

11 A I was just relying on my peers in  
12 terms of telling me what herbal supplements to  
13 take.

14 I went to nutritional school, as  
15 well.

16 I believe in alternative health so I  
17 was doing my own research.

18 Q What were you taking?

19 A If I had headaches, I am trying to  
20 think what I was taking. I would take Ginger.

21 I would take this thing like a colon  
22 collection. It would be a mixture of herbal  
23 supplements into one.

24 Then also, for the headaches, there  
25

1 218  
2 is peppermint oil, and rub them on my temples.  
3 Q Had you experienced these headaches  
4 or stomach problems before April of '06, when  
5 you saw Miss Buck?

6 A I had experienced those problems  
7 throughout my lifetime.

8 Well, not consistent throughout my  
9 lifetime. It was not a chronic problem.

10 Q Periodically?

11 A Yes. Once in a blue moon, I would  
12 have a headache.

13 I have never been hospitalized.

14 Q What did Miss Buck do for you? I  
15 don't want to know what she told you. What did  
16 she do for you on your first visit?

17 A From what I recall, on the first  
18 visit, a lot of it was intake. She was like,  
19 okay, why are you here?

20 A lot of times she was asking  
21 information for clarification and trying to find  
22 out, why did I go and see her.

23 Q Did she prescribe any medication to  
24 you or recommend that you see any other persons  
25 or doctors or therapists at that point?

1 220

2 Q For how long a time period?

3 A It had to coincide with when my  
4 insurance ended. I think it was the same week  
5 that I was no longer insured, health insurance,  
6 by Plus One; so I am thinking I ended seeing her  
7 by June 16, 2006.

8 Q And how many times, in total, did you  
9 see her?

10 A I am taking a guess, about 10.

11 Q Did she do anything different for you  
12 on the other nine times you saw her than the  
13 first time you saw her? Did she just do intake,  
14 listen to what you were saying?

15 MR. UMOH: Objection.

16 Q You tell me.

17 A Her strategy seemed consistent.

18 I mean, she would ask me questions,  
19 and she would offer questions as to, like post  
20 different scenarios and try to get me to look at  
21 different things about myself.

22 Q Do you have any pending appointments  
23 with her?

24 A No, I don't have any.

25 Q Who is the next person you saw after

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2 A I don't recall if she did.  
3 I know if she recommended me to take  
4 medication, I would have flatly out denied it.

5 Q I am just interested in what you  
6 recall.

7 A Sure. Miss Buck did not; but I know  
8 Marlene did suggest, yes.

9 Q To your knowledge, she did not  
10 recommend any medication.

11 She did not refer you to anyone  
12 else?

13 A No, because I had to stop seeing her  
14 because my insurance ran out.

15 MR. DERSCHOWITZ: I move to  
16 strike the portion that's not  
17 responsive.

18 Q Did she prescribe you any medication  
19 or refer you to anybody after your first  
20 visit?

21 A No.

22 Q How many times did you see Miss  
23 Buck?

24 A An average of once a week. I think  
25 one time I saw her twice a week.

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1 Miss Buck?

2 A I believe that was Marlene  
3 Friedman.

4 Q And does she have a specialty?

5 A I don't know her specialty.

6 Q Is she a doctor?

7 A I don't know if she is a  
8 psychiatrist. She could be a licensed clinical  
9 social worker.

10 I don't know how they do it with the  
11 classifications of psychotherapist.

12 Q Do you know if she has an M.D. after  
13 her name?

14 A That's a good question. I don't  
15 know.

16 Q Did anyone refer you to her?

17 A No.

18 Q How did you find her?

19 A Through health insurance on the  
20 website.

21 Q When was the first time you saw  
22 her?

23 A I don't recall the first day or time.

24 But I know when I did see her, it was warm  
25